

REMARKS

This application presently includes Claims 1-12 and 14-21, in which Claims 1-7, 10 and 15-17 stand rejected. As apparent from the Amendments to the Claims attached to this response, only Claim 15 has been amended to remove the typographical errors. The other pending claims remain unchanged.

Claim Rejections - 35 USC 102 & 103

Claim 15 was rejected under 35 USC 112, second paragraph, as being indefinite. The Examiner mentioned that the phrases “the first panel” (two places) and “one of the opposed ends of the blank” lack proper antecedent basis.

As apparent from the amendment, “the first panel” (two places) was a typographical error of “the base panel”. Accordingly, “the first panel” (two places) has been changed to “the base panel”. The phrase “one of the opposed ends” has been correctly rephrased as “one of opposed ends”.

The nature of the amendment to Claim 15 is correction of typographical errors. Such an amendment does not cause Claim 15 to require an additional search. Applicant respectfully requests that the amendment to Claim 15 be entered. Based on the amendment, withdrawal of the rejection under 35 USC 112 is requested.

Claim Rejections - 35 USC 102

Claims 1-7, 10 and 15-17 were rejected under 35 USC 102(b) as being anticipated by The International Application No. WO 98/49071 (Saulas '071). The Examiner stated that Saulas '071 discloses the retaining structure including an engagement panel (part of the inner panel portion) with an engaging edge (44, 46) to engage a container and at least one opening (around 30) each for receiving part of a container and that the engaging edge is provided by an edge of the at least one opening. This rejection is respectfully traversed for the following reasons:

- Claim 1 requires that the retaining structure is provided with at least one opening each for receiving part of a container. Saulas '071 fails to disclose such an opening. The Examiner appears to be of the view that the opening (around 30) in panel 12 in Saulas '071 is equivalent to "the at least one opening" in Claim 1. However, such an opening in Saulas '071 does not receive a container at all, as clearly illustrated in FIG. 3 of Saulas '071. Panel 12 of Saulas '071 is simply placed on top of the bottles (see page 7, line 28) and therefore the openings in panel 12 do not receive any part of the bottles.
- Claim 1 requires that the engaging edge (of the engagement panel) is provided by an edge of the at least one opening. Saulas '071 fails to disclose such an engaging edge. The engaging edge 44, 46 in Saulas '071 apparently is provided by tab 30, NOT AT ALL by the edge of any of the openings (around 30).
- Claim 1 requires that the retaining structure depends from the inner panel portion and is provided with the at least one opening. Saulas '071 fails to disclose such a retaining structure. The Examiner appears to be of the view that tab 30 and the opening (around 30) together form a retaining structure. While the retaining structure in Saulas '071 may be provided with the opening (around 30), such a retaining structure cannot at the same time depend from inner panel portion 12 because the opening (around 30) does not at all depend from inner panel portion 12. Applicant hereby admits that the expression "depending from" in Claim 1 means "hanging down from" (Webster's New World Dictionary, 3rd College Edition).

For the above reasons, Claim 1 is not anticipated by Saulas '071 and therefore is allowable. Claims 2-9 and 16-18 depend on Claim 1 and therefore they are also allowable in their present forms.

- Claim 10 requires that the retaining structure has an opening for receiving a portion of a radially protruding part of an article. Saulas '071 fails to disclose such an opening. As

discussed above, the opening (around 30) in Saulas '071 does not receive an article (bottle) nor does it receive the radially protruding part.

- Claim 10 requires that the lower edge of the opening comprises an engaging edge for engaging the underside of the radially protruding part. Saulas '071 fails to disclose an opening having such a lower edge. The opening (around 30) in panel 12 in Saulas '071 does not have any lower edge nor does it have any edge that engages the underside of the radially protruding part of a necked article. Furthermore, the engaging edge 44, 46 in Saulas '071 apparently is not a lower edge.
- Claim 10 requires that the retaining structure depends from the inner panel portion and has the opening. Saulas '071 fails to disclose such a retaining structure. Applicant sees that tab 30 and the opening (around 30) in Saulas '071 together may be regarded as equivalent to the retaining structure in terms of Claim 10. However, such a retaining structure cannot at the same time be reasonably regarded as depending from inner panel portion 12 because the opening (around 30) does not at all depend from inner panel portion 12. Applicant hereby admits that the expression "depending from" in Claim 10 means "hanging down from" (Webster's New World Dictionary, 3rd College Edition).

For the above reasons, Claim 10 is not anticipated by Saulas '071 and therefore is allowable. Claims 11 and 12 depend on Claim 10 and therefore they are also allowable in their present forms.

- Claim 15 requires that the retaining structure is connected to the inner panel portion. Saulas '071 fails to disclose such a retaining structure. While tab 30 and the opening defined by tab 30 in Saulas '071 together may be regarded as equivalent to the retaining structure in Claim 15, such a retaining structure cannot at the same time be reasonably regarded as being connected to inner panel portion 12 because the opening defined by tab 30 is not at all connected to inner panel portion 12.

- Claim 15 requires that the retaining structure has an opening for receiving at least a portion of the radially protruding part of an article in a set up condition. Saulas '071 fails to disclose such an opening. As discussed above, the opening defined by tab 30 in Saulas '071 does not receive any part of an article (bottle).
- Claim 15 requires that the lower edge of the opening comprises an engaging edge for engaging the underside of the radially protruding part. Saulas '071 fails to disclose an opening having such a lower edge. The opening defined by tab 30 does not have any lower edge nor does it have any edge that engages the underside of the radially protruding part of an article. Furthermore, the engaging edge 44, 46 in Saulas '071 apparently is not a lower edge.


For the above reasons, Claim 15 is not anticipated by Saulas '071 and therefore is allowable.

Allowable Subject Matter

Claims 14 and 19-21 have been allowed in their present forms. The Examiner's comment that Claims 8, 9, 11, 12 and 18 would be allowable if rewritten is acknowledged and appreciated. However, Applicant believes, as discussed above, that they are allowable in their present forms.

It is earnestly requested that the attached amendments be entered, the application, as a whole, receive favorable reconsideration, and that Claims 1-12 and 14-21 be allowed.

Respectfully submitted,


Tsugihiko Suzuki, Reg. No. 36,321

Date: June 6, 2006

MeadWestvaco, Law Department

4850D North Church Lane

Smyrna, GA 30080

Telephone: 404-897-4423

Facsimile: 404-897-4426